THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18717 OF 2007

DATED: 05-09-2007

BETWEEN:
Tirumalraju Ravindranath
S/o. T. Venkata Subba Raju and another

…Petitioners

and

Government of A.P.,
Rep. By its Principal Secretary, Revenue(Land Acquisition)
Department, Secretariat, Hyderabad and three others

…Respondents

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WRIT PETITION NO. 18717 OF 2007

ORDER:

This writ petition is filed by the petitioners, who are two in number aggrieved by the proposal of the respondents to acquire part of the petitioners' land to an extent of Ac.7.60 cents in R.S.No.103 of Piryadi Nainavaram Village of Vijayawada Rural Mandal, Krishna District, for the purpose of Indira Sagar Project.

It is stated that the petitioners have made representations on 25-04-2007 as well as on 29-06-2007. But, however, the said representations were not considered. In addition, the notification published itself shows that enquiry under Sec.5-A was dispensed with. Therefore, there is every possibility of non-enumerating or recording the existing trees, such as neem, tamarind and mango trees etc. with reference to which the petitioners are entitled to get compensation. Unless and until the land acquisition authorities enumerates while taking possession of the said lands, it would be difficult for the petitioners to make any claim for compensation. Therefore, sought for appropriate orders.

Heard the learned counsel for the petitioners and the learned

Government Pleader.

Since the notification under Sec.4(1) as well as Sec.6 declaration were published while dispensing with the 5-A enquiry, the objections of the petitioners if any, could be heard only at the time of award enquiry. It is also stated that award enquiry notice was already issued on 15-06-2007 fixing the date of hearing as
29-06-2007 with reference to which the petitioners have filed their objections claiming the value of the property as well as the trees. Therefore, it would be proper and appropriate to direct the authorities to conduct an enquiry and enumerate the standing trees in the land of the petitioners before taking possession of the same.

Writ petition is accordingly disposed of with the above direction. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 05-09-2007
Rns